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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/051,406	01/18/2002	Chuck Jennings	390056	9625

7590

07/09/2004

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EXAMINER

GECKIL, MEHMET B

ART UNIT

PAPER NUMBER

2142

DATE MAILED: 07/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/051,406	JENNINGS ET AL.	
	Examiner	Art Unit	
	Mehmet B. Geckil	2142	


-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final. 
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-109 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-109 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. Claims 1-109 are presented for examination.

2. Restriction to one of the following inventions is required under 35 U.S.C. § 121:

I. Claims 1-22 drawn to a method for routing media comprising switch particulars (claim 15), listing particulars (claims 3-5), URL (claim 11), and formatting particulars (claim 13), classified in Class 709, subclasses 238 and 246.

II. Claims 23-33, drawn to a method for routing media to a viewer including generating in the presentation at least one member of a group comprising a media sequence instruction, a binding media instruction, and a special routing instruction particulars (claim 25); setting the time period between a starting time and an ending time particulars (claim 28); and portal particulars (claim 29), classified in Class 709, subclass 203

III. Claims 34-68 drawn to a method for providing media for routing including e-commerce particulars including enabling an entry of a program at a service processor, the program comprising a media reference and a order component particulars (claims 34-39), advertisement particulars (claim 42); age, gender, income, hobby... particulars (claim 44); viewing history and purchasing history particulars (claim 46) and authenticating particulars (claims 61-62), classified in Class 705, subclass 52.

IV. Claims 69-109 drawn to a method for processing routing from a resource to a viewer for a request for media comprising monitoring particulars including status (claims 69 and 77), alarm and alert (claims 81-82); collecting event data particulars (claims 74-75), caching (claims 72-73), generating a report (claim 85), classified in Class 709, subclass 224.

3. The inventions are distinct, each from the other because of the following reasons:

Inventions I - IV are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as it is usable by a method for routing media comprising switch particulars (claim 15), listing particulars (claims 3-5), URL (claim 11), and formatting particulars (claim 13), classified in Class 709, subclasses 238 and 246 which lacked the particulars of groups II-IV. Invention II has separate utility such as a method for routing media to a viewer including generating in the presentation at least one member of a group comprising a media sequence instruction, a binding media instruction, and a special routing instruction particulars (claim 25); setting the time period between a starting time and an ending time particulars (claim 28); and portal particulars (claim 29), classified in Class 709, subclass 203 which lacked the particulars of groups I and III-IV. Invention III has separate utility such as a method for providing media for routing including e-commerce particulars including enabling an entry of a program at a service processor, the program comprising a media reference and a order component particulars (claims 34-39), advertisement particulars (claim 42); age, gender, income, hobby... particulars (claim 44); viewing history and purchasing history

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particulars (claim 46) and authenticating particulars (claims 61-62), classified in Class 705, subclass 52 which lacked the particulars of groups I-II and IV. Also, invention IV has separate utility such as a method for processing routing from a resource to a viewer for a request for media comprising monitoring particulars including status (claims 69 and 77), alarm and alert (claims 81-82); collecting event data particulars (claims 74-75), caching (claims 72-73), generating a report (claim 85), classified in Class 709, subclass 224 which lacked the particulars of groups I-III. See M.P.E.P. § 806.05(d).

4. Because these inventions are distinct for the reasons given above and because the search required for each group is different and not co-extensive for examination purpose because these groups would require different searches on PTO's classification class and subclass e.g.

- a) the Group I search (claims 1-22) would require use of search class 709, subclass 238 (which would not be required for the Groups II-IV);
- b) the Group II search (claims 23-33) would require use of class 709 subclass 203 (which would not be required for the Groups I and III-IV);
- c) the Group III search (claims 34-68) would require use of class 705 subclass 52 (which would not be required for the Groups I-II, and IV); and
- d) the Group IV search (claims 69-109) would require use of class 709 subclass 224 (which would not be required for the Groups I-III). Therefore restriction for examination purposes as indicated is proper.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mehmet Geckil whose telephone number is (703) 305-9676. The examiner can normally be reached on Monday through Friday from 6:30 A.M. to 3:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Jack Harvey, can be reached on (703) 305-9705. The fax phone numbers for the organization where this application or proceeding is assigned are listed hereinbelow.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800/4700. Customer service number is (703) 306-5631.

Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

or faxed to:

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(703) 872-9306

Hand-delivered responses should be brought to Crystal Park II, 2021 Crystal Drive, Arlington, VA., Fourth Floor (Receptionist).

7/7/04

Mehmet B. Geckil

MEHMET B. GECKIL
PRIMARY EXAMINER